



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action
Agency Background Document

Agency Name:	Board of Housing and Community Development
VAC Chapter Number:	13 VAC 5-61-10 et seq.
Regulation Title:	Virginia Uniform Statewide Building Code
Action Title:	General Revision
Date:	October 15,2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

To initiate a review and re-evaluation of the regulation to determine if it should be continued, amended, or terminated.

And to consider amending the regulation by adopting and incorporating by reference the International Code Council's (ICC), 2000 International Building Code and to put before the public proposed changes submitted to the BHCD.

(Background)The ICC was established in 1994 as a nonprofit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes. The founders of the ICC are Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International, Inc. (SBCCI). Since the early part of the last century, these nonprofit organizations developed the three separate sets of model codes used throughout the United States. Although regional code development has been effective and responsive to our country's needs, the time came for a single set of codes. The nation's three model code groups responded by creating the International Code Council and by developing codes without regional limitations.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

§ 36-98 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+36-98>), empowers and directs the Board of Housing and Community Development (BHCD) to adopt and promulgate a Uniform Statewide Building Code (USBC) which supersedes the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies; except the USBC does not supersede the regulations of other state agencies which require and govern the functional design and operation of building related activities not covered by the Uniform Statewide Building Code.

§ 36-99 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+36-99>), requires the BHCD, when formulating provisions of the USBC, to have due regard for generally accepted standards as recommended by nationally recognized organizations.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The BHCD envisions that the details of anticipated changes to be implemented by this proposed regulatory action are to update the existing USBC to incorporate by reference the International Code Council's (ICC), 2000 International Building Code (IBC) and to solicit proposed changes from the public. The BHCD also believes that there are substantial advantages in combining the efforts of the three existing code organizations to produce a single set of international model codes. Architects, engineers, designers, contractors and developers will now be able to work with a consistent set of technical requirements throughout the United States. Manufacturers can put their efforts into research and development rather than designing to three different sets of standards, and can focus on being more competitive in worldwide markets. With the advent of the IBC and departure of the three separate model codes there can now be uniform education and certification programs used internationally. All technical issues and concerns now have a single national forum for discussion, consideration and resolution. Whether the concern is disaster mitigation, energy conservation, accessibility, innovative technology or fire protection, the ICC provides a single forum for national and international attention and focus.

The BHCD has determined that the proposed regulatory action is essential to protect the health, safety or welfare of citizens because the adoption of a single set of international model codes will

lead to more consistent code enforcement and interpretation and a safer, higher quality built environment for the citizens of the Commonwealth.

The lists of potential issues that may need to be addressed as the regulation is developed are the following:

- (a) - Timely issuance of building permits (15 days);
- (b) - Alternative dispute resolution following a negative “decision of a code official” prior to an appeal to the local board of building code appeals;
- (c) - Where air conditioning is provided, as part of a rental or lease agreement, the air conditioning system must be operable and maintained.
- (d) - There will likely be a slight increased cost for the one time education effort of the current code enforcers, design professionals, contractors, developers and building owners, as this would be an update to newer “international” model building code and standards. There also might be a overall slight decrease in the cost of construction associated with adoption of the international model building code due to the fact that: (i) Virginia’s enabling legislation and administrative provisions (how the USBC is to be applied) will remain unchanged, (ii) architects, engineers, designers, contractors, developers, manufacturers and code enforcers will now be able to work with a consistent set of technical requirements throughout the United States, and (iii) the IBC now contains performance standards for new innovative construction techniques developed since the early 1990’s when the BOCA codes were developed. These will be addressed in the evaluation phase of the adoption process.
- (e) - To encourage uniformity and the greatest degree of rehabilitation and reuse of existing buildings and to promote investment activity in existing neighborhoods the BHCD will use input from enforcement, design and development professionals in drafting a new section within the USBC to bring together the existing pertinent provisions regarding rehabilitation and reuse of existing buildings.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The specific alternative to the anticipated proposal that has been considered or will be considered to meet the essential purpose of the action is to continue with the 1996 BOCA National Building Code (BNBC) as the referenced model code for Virginia for another three or more years, given that the BNBC is no longer being updated and there are no code hearings being conducted to update the BNBC since the ICC has been formed and the 2000 IBC has been publicly available for over a year.

During the entire regulatory adoption process for these amendments the BHCD will consider all less burdensome and less intrusive alternatives suggested or recommended which achieve the essential purpose as required by statute.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen

or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The agency's preliminary analysis of the potential impact of this proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will be, is to neither:

- 1 - strengthen nor erode the authority and rights of parents in the education, nurturing, and supervision of their children;
- 2 - encourage nor discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents;
- 3 - strengthen nor erode the marital commitment; and
- 4 - increase nor decrease disposable family income.